

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**Applicant(s): Hass****Application No.: 09/528,261****Filed: 03/17/2000****Title: System, Device and Method for Supporting A Label Switched Path Across A Non-MPLS Compliant Segment**

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**Attorney Docket No.: 2204/A01 120-190****Commissioner for Patents****P.O. Box 1450****Alexandria, VA 22313-1450****Group Art Unit: 2661****Examiner: Wilson****Declaration of Prior Invention under 37 CFR 1.131****Dear Sir:**

In response to the Office Action of April 29, 2005, entry of this Declaration is respectfully requested.

**Reference being antedated**

The reference being antedated is Rosen, IETF, Multiprotocol Label Switching Architecture, August 1999, pp. 1-60 ("Rosen"). The Rosen document itself does not indicate the exact day of publication. However, the IETF Internet-Drafts notification attached hereto as Appendix A suggests that Rosen was made available to the public on August 27, 1999.

**Conception of the Invention**

As evidenced by the Bay Networks Patent Proposal ("Disclosure") attached hereto as Appendix B, Barry Hass conceived the invention at least as early as May 14, 1999. Further, Amy Buchaman signed and dated the Disclosure on August 3, 1999, indicating that it was read and understood by her. Further, the Disclosure is stamped as being received by Assignee's patent department on August 11, 1999. Therefore, the Disclosure predates Rosen.

The description of the invention in the Disclosure describes the subject matter of the presently claimed invention. Although the description is self-explanatory, particular attention is drawn to the sentence in the first paragraph of the description which states "in order to overcome this problem, a GRE tunnel can be set up connecting the two MPLS domains (see attached diagram)."

**Diligence and Reduction to Practice**

The invention was constructively reduced to practice at least as early as March 17, 2000, which is the filing date of U.S. patent application 09/528, 261 which describes and claims the subject matter. It was Applicant's practice in 1999 and 2000 to have inventions described by inventors in a Patent Proposal document, such as the Disclosure of Appendix B. Patent Proposals were collected and subsequently reviewed by a patent review committee which met either periodically or when a sufficient number of Patent Proposals had been collected. On some occasions a member of the patent review committee would sign and date a Patent Proposal at such a meeting, indicating that the document had been read and understood. If the patent review committee recommended that a patent application be prepared, and an in-house patent attorney or agent agreed, the Patent Proposal would be provided to an outside law firm. The outside law firm would meet with the inventor to discuss the invention, and then draft and file the patent application in due course. It is believed that such procedures are prudent, and were generally typical within the field of business of Applicant. Applicant submits that in view of the above there was diligence from the date of the Disclosure, May 14, 1999, to the constructive reduction to practice on March 17, 2000.

The undersigned acknowledges that willful false statements are punishable by fine, imprisonment, or both under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon. All statements made herein from personal knowledge are true, and all statements made on information and belief are believed to be true.

Respectfully Submitted,

8/04/05 Barry Hass  
Date Barry Hass  
61 Washburn Ave.  
Auburndale, MA 02466

Docket No. 2204/A01 120-190

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## The MPLS WG Archive

### Appendix A

Cell Relay Retrieval>MPLS WG Archive>month:1999-Aug> msg00124

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#### I-D ACTION:draft-ietf-mpls-arch-06.txt

- From: Internet-Drafts@ietf.org
- Date: Mon, 30 Aug 1999 07:11:20 -0400
- Cc: mpls@UUNET

A New Internet-Draft is available from the on-line Internet-Drafts directories.  
This draft is a work item of the Multiprotocol Label Switching Working Group of the IETF.

Title	: Multiprotocol Label Switching Architecture
Author(s)	: E. Rosen, A. Viswanathan, R. Callon
Filename	: draft-ietf-mpls-arch-06.txt
Pages	: 62
Date	: 27-Aug-99

This internet draft specifies the architecture for Multiprotocol Label Switching (MPLS).

A URL for this Internet-Draft is:  
<http://www.ietf.org/internet-drafts/draft-ietf-mpls-arch-06.txt>

Internet-Drafts are also available by anonymous FTP. Login with the username "anonymous" and a password of your e-mail address. After logging in, type "cd internet-drafts" and then "get draft-ietf-mpls-arch-06.txt".

A list of Internet-Drafts directories can be found in  
<http://www.ietf.org/shadow.html>  
or <http://ftp.ietf.org/ietf/lshadow-sites.txt>

Internet-Drafts can also be obtained by e-mail.

Send a message to:  
[mailserv@ietf.org](mailto:mailserv@ietf.org).  
In the body type:  
"FILE /internet-drafts/draft-ietf-mpls-arch-06.txt".

NOTE: The mail server at ietf.org can return the document in MIME-encoded form by using the "mpack" utility. To use this feature, insert the command "ENCODING mime" before the "FILE" command. To decode the response(s), you will need "munpack" or a MIME-compliant mail reader. Different MIME-compliant mail readers exhibit different behavior, especially when dealing with "multipart" MIME messages (i.e. documents which have been split up into multiple messages), so check your local documentation on how to manipulate these messages.

Below is the data which will enable a MIME compliant mail reader implementation to automatically retrieve the ASCII version of the Internet-Draft.

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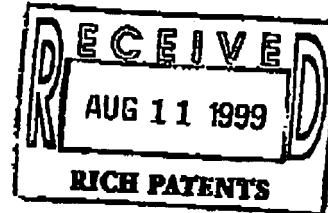
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## Bay Networks Patent Proposal

Appendix B



Tracking No: B404168 (Input by patent coordinator)

Date: May 14, 1999

Title: Use of IP Tunnels for Preserving Label Stack Information Across Non-MPLS Compliant Segments of Label Switched Paths.

**Bay Networks Product:** This feature may be included in a future release of BayRSP.

Inventor(s): Barry Hass

**Description:** In setting up a traffic engineered label switched path, it may be desirable to traverse a network section containing devices which are not MPLS compliant. This is achievable using current implementations, since LDP peers need not be physically adjacent. However, all label information must be stripped off before a packet enters the non-MPLS domain. This is not a problem if a packet is carrying a single label, since the top label would be popped at the edge of the MPLS domain in any case. But if the packet is carrying multiple labels, i.e., if the label stack depth is greater than 1, all the label information will be lost. In order to overcome this problem, a GRE tunnel can be set up connecting the two MPLS domains (see attached diagram). Thus the entire packet, including the label stack, can be sent across the non-MPLS domain.

Note that making MPLS a supported GRE payload protocol type will require an amendment to IETF RFC 1701. The amendment will simply assign a number to MPLS which the GRE header will carry in its protocol field. This will allow the router at the receiving end of the tunnel to identify the received packet and pass it to the MPLS forwarding code.

***NOTE:** The following block should appear on each page of your proposal with the signature of a superior or co-worker and the date read. This step is to establish date of invention. All engineering notes supporting the proposal should be read, signed and dated.*

Read and Understood: Barry L. Buchanan (Print Name Here) Barry L. Buchanan

Dated: 8/3/99

08/03/99

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## Bay Networks Patent Proposal

Other IP tunnel types may be used for this purpose as well. These include L2TP, L2F, UDP, and IPSEC. Each of these has its own means of identifying the payload packet, and therefore would require protocol specific modifications, which may be covered in future proposals.

**Unique/Patentable Features:** This feature will allow Nortel Networks to offer greater flexibility in traffic engineering by allowing for the provisioning of label switched paths across non-MPLS compliant network segments without the loss of label stack information.

**Prior Art:** ???

**Use in Standards/Other Planned Disclosures:** A draft describing this feature will be submitted to the MPLS working group of the Internet Engineering Task Force after the disposition of this patent proposal has been determined.

**Attachments:** Network diagram illustrating the use of an IP tunnel to cross a non-MPLS compliant section of a label switched path.

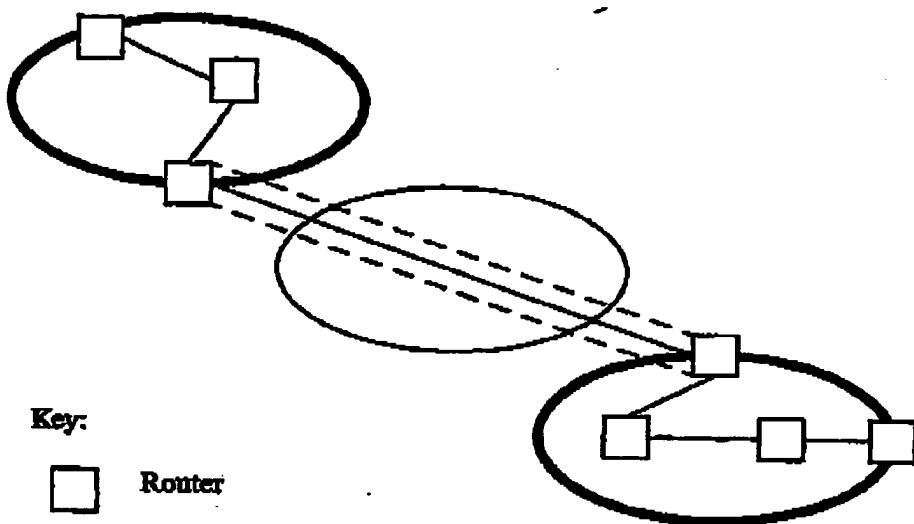
**NOTE:** The following block should appear on each page of your proposal with the signature of a superior or co-worker and the date read. This step is to establish date of invention. All engineering notes supporting the proposal should be read, signed and dated.

Read and Understood: Amy L Buchanan (Print Name Here) Amy L Buchanan  
Dated: 8/3/99

08/03/99

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## Tunneling of an LSP Through a Non-MPLS Domain


**Key:**

Router

MPLS domain

Non-MPLS domain

       LSP

----- Tunnel

**NOTE:** The following block should appear on each page of your proposal with the signature of a superior or co-worker and the date read. This step is to establish date of invention. All engineering notes supporting the proposal should be read, signed and dated.

Read and Understood:	<u>Greg J. Neuhause</u>	Print Signer's Name:	<u>Greg L. Buckau</u>
Date:	<u>8/13/09</u>		

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